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MARCH 8th, 1804.

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Read the first and second time, and committed to a committee of the whole House, on Saturday next.

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## A B I L L

*For establishing rules and articles for the government of the armies of the United States.*

1     **Be it enacted**, by the Senate and House of Representatives  
2     of the United States of America, in Congress assembled, That  
3     from and after the passing of this act, the following shall be the  
4     rules and articles by which the armies of the United States, shall be  
5     governed.

6     ARTICLE 1. Every officer now in the army of the United States,  
7     shall in six months from the passing of this act, and every officer  
8     who shall hereafter be appointed, shall at the time of his appoint-  
9     ment, subscribe these rules and regulations.

10    ARTICLE 2. It is earnestly recommended to all officers and sol-  
11    diers diligently to attend divine service. And all officers who shall

12 behave indecently or irreverently, at any place of divine worship,  
 13 shall, if commissioned officers, be brought before a general court  
 14 martial, there to be publicly and severely reprimanded by the pre-  
 15 sident ; if non-commissioned officers or soldiers, every person so  
 16 offending, shall for his first offence, forfeit *one sixth of a dollar*, to  
 17 be deducted out of his next pay ; for the second offence, he shall  
 18 not only forfeit a like sum, but be confined for twenty-four hours ;  
 19 and for every like offence, shall suffer and pay in like manner ;  
 20 which money, so forfeited, shall be applied to the use of the sick  
 21 soldiers of the troop or company to which the offender belongs.

22 ARTICLE 3. Whatsoever non-commissioned officer or soldier,  
 23 shall use any profane oath or execration, shall incur the penalties  
 24 expressed in the foregoing article, and if a commissioned officer be  
 25 thus guilty of profane cursing or swearing, he shall forfeit and pay  
 26 for each and every such offence *two thirds of a dollar*.

27 ARTICLE 4. Every chaplain commissioned in the army or armies  
 28 of the United States, who shall absent himself from the duties as-  
 29 signed him (excepting in cases of sickness or leave of absence)  
 30 shall be brought to a court-martial, and be fined not exceeding one  
 31 months pay, besides the loss of his pay during his absence or be  
 32 discharged, as the said court-martial shall judge proper.

33 ARTICLE 5. Whatsoever officer or soldier shall presume to use  
 34 traitorous or disrespectful words, against the President of the Unit-  
 35 ed States, against the Vice President thereof, against the congress  
 36 of the United States, or against the chief magistrate or legislature

37 of any of the United States in which he may be quartered, if a  
38 commissioned officer, he shall be cashiered, or otherwise punished  
39 as a court-martial shall direct, if a non-commissioned officer or  
40 soldier, he shall suffer such punishment as shall be inflicted on him  
41 by the sentence of a court-martial.

42 ARTICLE 6. Any officer or soldier who shall behave himself  
43 with contempt or disrespect towards his commanding general, tend-  
44 ing to his hurt or dishonor, shall be punished according to the  
45 nature of his offence, by the judgment of a court-martial.

46 ARTICLE 7. Any officer or soldier, who shall begin, excite,  
47 cause or join in any mutiny or sedition in the troop, company or  
48 regiment, to which he belongs, or in any other troop or company  
49 in the service of the United States, or in any party, post, detach-  
50 ment, or guard, or on any pretence whatsoever, shall suffer death,  
51 or such other punishment as by a court-martial shall be inflicted.

52 ARTICLE 8. Any officer, non-commissioned officer, or soldier,  
53 who being present at any mutiny or sedition, does not use his ut-  
54 most endeavor to suppress the same, or coming to the knowledge  
55 of any intended mutiny, does not, without delay, give information  
56 thereof to his commanding officer, shall be punished by a court-mar-  
57 tial with death, or otherwise, according to the nature of his offence.

58 ARTICLE 9. Any officer or soldier who shall strike his superior  
59 officer, or draw or lift up any weapon, or offer any violence against  
60 him, being in the execution of his office, on any pretence whatsoever,  
61 or shall disobey any lawful command of his superior officer, shall

62 suffer death, or such other punishment as shall, according to the  
63 nature of his offence, be inflicted upon him by the sentence of a  
64 court-martial.

65 ARTICLE 10. Every non-commissioned officer or soldier, who  
66 shall enlist himself in the service of the United States, shall at the  
67 time of his so enlisting, or within six days afterwards, have the ar-  
68 ticles for the government of the forces of the United States read to  
69 him, and shall, by the officer who enlisted him, or by the command-  
70 ing officer of the troop or company into which he was enlisted, be  
71 taken before the next justice of the peace, or chief magistrate of any  
72 city or town corporate, no being an officer of the army, or where  
73 recourse cannot be had to the civil magistrate, before the judge  
74 advocate, and in his presence shall take the following oath or affir-  
75 mation : I, A. B. do solemnly swear or affirm (as the case may be)  
76 to bear true allegiance to the United States of America, and to  
77 serve them honestly and faithfully against their enemies or opposers  
78 whatsoever, and to observe and obey the orders of the President  
79 of the United States, and the orders of the officers appointed over  
80 me, according to the *rules and articles of war*. Which justice or  
81 magistrate is to give the officer a certificate, signifying that the man  
82 enlisted did take the said oath or affirmation.

83 ARTICLE 11. After a non-commissioned officer or soldier shall  
84 have been duly enlisted and sworn, he shall not be dismissed the ser-  
85 vice without a discharge in writing, and no discharge granted to  
86 him shall be allowed of as sufficient, which is not signed by a field

87 officer of the regiment into which he was inlisted, or commanding  
88 officer, where no field officer of the regiment is present, and no dis-  
89 charge shall be given to a non-commissioned officer or soldier,  
90 when his time of service is not expired, without an order from the  
91 secretary at war, or commanding officer instructed for the pur-  
92 pose.

93 ARTICLE 12. Every colonel, or other field officer commanding  
94 the regiment, troop or company, and actually residing with it, may  
95 give furloughs to non-commissioned officers or soldiers, in such  
96 numbers, and for so long a time as he shall judge to be most con-  
97 sistent with the good of the service ; but no non-commissioned  
98 officer or soldier, shall, by leave of his captain, or inferior officer  
99 commanding the troop or company (his field officer not being  
100 present) be absent above twenty days in six months, nor shall  
101 more than two private men be absent at the same time, from their  
102 troop or company, excepting some extraordinary occasion shall  
103 require it, of which the field officer present with, and command-  
104 ing the regiment is to be the judge.

105 ARTICLE 13. At every muster the commanding officer of each  
106 regiment, troop, or company, there present, shall give to the com-  
107 missary of musters, or other officer who musters the said regiment,  
108 troop or company, certificates signed by himself, signifying how  
109 long such officers, who shall not appear at the said muster, have  
110 been absent, and the reason of their absence. In like manner,  
111 the commanding officer of every troop or company, shall give

112 certificates, signifying the reasons of the absence of the non-com-  
 113 missioned officers and private soldiers; which reasons, and time  
 114 of absence, shall be inserted in the muster-rolls, opposite the name  
 115 of the respective absent officers and soldiers. The said certificates  
 116 shall, together with the muster-rolls, be remitted by the commis-  
 117 sary of musters, or other officer mustering, to the department of  
 118 war, as speedily as the distance of the place will admit.

119 ARTICLE 14. Every officer who shall be convicted before a gen-  
 120 eral court-martial, of having signed a false certificate relating to  
 121 the absence of either officer or private soldier, or relating to his  
 122 or their pay, shall be cashiered.

123 ARTICLE 15. Every officer who shall knowingly make a false  
 124 muster of man or horse, and every officer or commissary of mus-  
 125 ters, who shall willingly sign, direct or allow the signing of mus-  
 126 ter-rolls, wherein such false muster is contained, shall, upon  
 127 proof made thereof by two witnesses, before a general court-  
 128 martial, be cashiered, and shall be thereby utterly disabled to  
 129 have or hold any office or employment in the service of the  
 130 United States.

131 ARTICLE 16. Any commissary of musters or other officer who  
 132 shall be convicted of having taken money, or any other thing by  
 133 way of gratification on the mustering any regiment, troop or com-  
 134 pany, or on the signing muster-rolls, shall be displaced from his  
 135 office, and shall be thereby utterly disabled to have or hold any of-  
 136 fice or employment under the United States.

137     ARTICLE 17. Any officer who shall presume to muster a person  
138     as a soldier, who is not a soldier, or who does not actually do his  
139     duty as a soldier, shall be deemed guilty of having made a false  
140     muster, and shall suffer accordingly.

141     ARTICLE 18. Every officer who shall knowingly make a false  
142     return to the department of war, or to any of his superior of-  
143     ficers, authorised to call for such returns of the state of the regi-  
144     ment, troop or company, or garrison, under his command ; or of  
145     the armies, ammunition, cloathing, or other stores thereunto be-  
146     longing, shall on conviction thereof before a court-martial, be  
147     cashiered.

148     ARTICLE 19. The commanding officer of every regiment,  
149     troop or independent company, or garrison, of the United States,  
150     shall, in the beginning of every month, remit through the pro-  
151     per channels to the department of war, an exact return of the  
152     regiment, troop independent company, or garrison under his  
153     command, specifying the names of the officers not then residing  
154     at their posts, and the reasons for, and the time of their absence.  
155     Whoever shall be convicted of having, through neglect or design,  
156     omitted the sending such returns, shall be punished according to  
157     the nature of his crime, by the judgment of a general court-martial.

158     ARTICLE 20. All officers and soldiers, who having received  
159     pay, or having been duly inlisted in the service of the United  
160     States, shall be convicted of having deserted the same, shall

161 suffer death, or such other punishment as by a court-martial shall  
162 be inflicted.

163 ARTICLE 21. Any non-commissioned officer or soldier, who  
164 shall, without leave from his commanding officer, absent himself  
165 from his troop, or company, or from any detachment with which  
166 he shall be commanded, shall, upon being convicted thereof, be  
167 punished according to the nature of his offence, at the discretion  
168 of a court-martial.

169 ARTICLE 22. No non-commissioned officer or soldier, shall  
170 enlist himself in any other regiment, troop or company, without  
171 a regular discharge from the regiment, troop or company, in  
172 which he last served, on the penalty of being reputed a deserter,  
173 and suffering accordingly. And in case any officer shall know-  
174 ingly receive and entertain such non-commissioned officer or sol-  
175 dier, or shall not, after his being discovered to be a deserter,  
176 immediately confine him and give notice thereof to the corps  
177 in which he last served, he, the said officer so offending, shall  
178 by a court-marshal be cashiered.

179 ARTICLE 23. Whatsoever officer or soldier, shall be convicted  
180 of having advised or persuaded any other officer or soldier to  
181 desert the service of the United States, shall suffer death or such  
182 other punishment as shall be inflicted upon him by the sentence  
183 of court-marshal.

184 ARTICLE 24. No officer or soldier shall use any reproachful or  
185 profane speeches or gestures to another, upon pain, if an officer, of



186 being put in arrest; if a soldier, imprisoned, and of asking pardon  
 187 of the party offended, in the presence of his commanding officer.

188 ARTICLE 25. No officer or soldier shall presume to send a  
 189 challenge to another officer or soldier, to fight a duel, or except  
 190 a challenge if sent upon pain, if a commissioned officer, of being  
 191 cashiered; if a non-commissioned officer or soldier, of suffering  
 192 corporal punishment at the discretion of a court-martial.

193 ARTICLE 26. If any commissioned or non-commissioned officer  
 194 commanding a guard, shall knowingly and willingly suffer any  
 195 person whatsoever to go forth to fight a duel, he shall be punished  
 196 as a challenger; and likewise all seconds, promoters, and carriers  
 197 of challenges, in order to duels, shall be deemed as principals,  
 198 and be punished accordingly. And it shall be the duty of every  
 199 officer, commanding an army, post or détachment, that is know-  
 200 ing to a challenge being given, or accepted, by any officer, non-  
 201 commissioned officer or soldier, under his command, or has  
 202 reason to believe the same to be the case, immediately to arrest  
 203 and bring to trial such offenders.

204 ARTICLE 27. All officers of what condition soever, have power  
 205 to part and quell all quarrels, frays, and disorders, though the  
 206 persons concerned should belong to another regiment, troop, or  
 207 company; and either to order officers into arrest, or non-commis-  
 208 sioned officers or soldiers into prison, till their proper superior  
 209 officers shall be acquainted therewith; and whosoever shall refuse  
 210 to obey such officer (though of an inferior rank) or shall draw his

211 sword upon him, shall be punished at the discretion of a general  
 212 court-martial.

213 ARTICLE 28. Whatsoever officer or soldier shall upbraid an-  
 214 other for refusing a challenge, shall himself be punished as chal-  
 215 lenger ; and all officers and soldiers are hereby discharged of any  
 216 disgrace or opinion of disadvantage, which might arise from their  
 217 having refused to accept of challenges, as they will only have act-  
 218 ed in obedience to the laws, and done their duty as good soldiers,  
 219 who subject themselves to dicipline.

220 ARTICLE 29. No sutler shall be permitted to sell any kind of  
 221 liquors or victuals, or to keep their houses or shops open, for the  
 222 entertainment of soldiers, after nine at night, or before the beating  
 223 of the reveilles, or upon Sundays, during divine service or ser-  
 224 mon, on the penalty of being dismissed from all future suttlng.

225 ARTICLE 30. All officers and soldiers shall have full liberty to  
 226 bring into any of the forts or garrisons of the United States, and  
 227 quantity of eatable provisions, or other articles, except where any  
 228 contracts are or shall be entered into by the secretary of war, or  
 229 by his order, for furnishing such provisions, and with respect only  
 230 to the species of provisions so contracted for.

231 ARTICLE 31. No officer commanding in any of the garrisons,  
 232 forts, or barracks of the United States, shall either themselves  
 233 exact exorbitant prices for houses or stalls let out to suttlers, or  
 234 shall connive at the like exactions in others ; nor by their own  
 235 authority, and for their private advantages, shall they lay any

236 duty or imposition upon, or be interested in the sale of such  
 237 victuals, liquors, or other necessities of life, which are brought  
 238 into the garrison, fort, or barracks, for the use of the soldiers, on  
 239 the penalty of being discharged from the service.

240 **ARTICLE 32.** Every officer commanding in quarters, garrisons,  
 241 or on a march, shall keep good order, and to the utmost of his  
 242 power redress all such abuses or disorders which may be com-  
 243 mitted by any officer or soldier under his command; if upon com-  
 244 plaint made to him of officers or soldiers beating or otherwise ill  
 245 treating any person, of disturbing fairs or markets, or of com-  
 246 mitting any kind of riots, to the disquieting of the citizens of the  
 247 United States, he, the said commander, who shall refuse or omit  
 248 to see justice done on the offender or offenders, and reparation  
 249 made to the party or parties injured, as far as part of the offenders  
 250 pay shall enable him or them, shall, upon proof thereof, be pun-  
 251 ished by a general court-martial, as if he himself had committed  
 252 the crimes or disorders complained of.

253 **ARTICLE 33.** Whenever any officer or soldier shall be accused  
 254 of a capital crime, or of having used violence, or committed any of-  
 255 fence against the persons or property of citizens of any of the Unit-  
 256 ed States, such as is punishable by the known laws of the land,  
 257 the commanding officer and officers of every regiment, troop, or  
 258 party, to which the person or persons so accused shall belong,  
 259 are hereby required, upon application duly made by or in behalf  
 260 of the party or parties injured, to use his utmost endeavors to

261 deliver over such accused person or persons to the civil magistrate,  
 262 and likewise to be aiding and assisting to the officers of justice in  
 263 apprehending and securing the person or persons so accused, in  
 264 order to bring them to trial. If any commanding officer or offi-  
 265 cers shall willfully neglect, or shall refuse, upon the application  
 266 aforesaid, to deliver over such accused person or persons to the  
 267 civil magistrates, or to be aiding and assisting to the officers of jus-  
 268 tice, in apprehending such person or persons, the officer or offi-  
 269 cers so offending shall be cashiered.

270 ARTICLE 34. If any officer shall think himself to be wronged,  
 271 by his colonel, or the commanding officer of the regiment, and  
 272 shall, upon due application being made to him, be refused to be  
 273 redressed, he may complain to the general commanding in the  
 274 state or territory where such regiment shall be stationed, in order  
 275 to obtain justice, who is hereby required to examine into the said  
 276 complaint, and take proper measures for redressing the wrong  
 277 complained of, and transmit as soon as possible, to the depart-  
 278 ment of war, a true state of such complaint, with the proceedings  
 279 had thereon.

280 ARTICLE 35. If any inferior officer or soldier, shall think him-  
 281 self wronged by his captain, or other officer commanding the  
 282 troop or company to which he belongs, he is to complain thereof  
 283 to the commanding officer of the regiment, who is hereby required  
 284 to summon a regimental court-martial, for the doing justice to  
 285 the complainant; from which regimental court-martial, either

286 party may, if he thinks himself still aggrieved, appeal to a gene-  
 287 ral court-martial. But if, upon a second hearing, the appeal shall  
 288 appear vexatious and groundless, the person so appealing shall  
 289 be punished at the discretion of the said general court-martial.

290 ARTICLE 36. Whatsoever commissioned officer, store keeper,  
 291 or commissary, shall be convicted, at a general court-martial, of  
 292 having sold without a proper order for that purpose, embezzled,  
 293 misapplied, or wilfully, or through neglect, suffered any of the  
 294 provisions, forage, arms, clothing, ammunition, or other military  
 295 stores, belonging to the United States, to be spoiled or damaged ;  
 296 the said officer, store keeper, or commissary, so offending, shall,  
 297 at his own charge, make good the loss or damage, shall moreover  
 298 forfeit all his pay, and be dismissed from the service.

299 ARTICLE 37. Whatsoever non-commissioned officer or soldier  
 300 shall be convicted at a regimental court-martial, of having sold,  
 301 or designedly, or through neglect, wasted the ammunition deli-  
 302 vered out to him to be employed in the service of the United  
 303 States, shall, if a non-commissioned officer, be reduced to a pri-  
 304 vate sentinel, and shall besides suffer corporal punishment, in  
 305 the same manner as a private sentinel so offending, at the discre-  
 306 tion of a regimental court-martial.

307 ARTICLE 38. Every non-commissioned officer or soldier, who  
 308 shall be convicted at a court-martial, of having sold, lost, or  
 309 spoiled through neglect, his horse, arms, clothes, or accoutre-  
 310 ments, shall undergo such weekly stoppages, (not exceeding the

311 half of his pay) as a court-martial shall judge sufficient for re-  
 312 pairing the loss or damage; and shall suffer imprisonment, or  
 313 such other corporal punishment as his crime shall deserve.

314 ARTICLE 39. Every officer who shall be convicted at a court-  
 315 martial, of having embezzled, or misapplied any money with  
 316 which he may have been entrusted for the payment of the men  
 317 under his command, or for inlisting men into the service, or for  
 318 other purposes; if a commissioned officer, shall be cashiered,  
 319 and compelled to refund the money; if a non-commissioned offi-  
 320 cer, shall be reduced to serve in the ranks as a private soldier,  
 321 be put under stoppages until the money be made good, and suffer  
 322 such corporal punishment as a court-martial shall direct.

323 ARTICLE 40. Every captain of a troop or company is charged  
 324 with the arms, accoutrements, ammunition, clothing, or other  
 325 warlike stores belonging to the troop or company under his com-  
 326 mand, which he is to be accountable for to his colonel, in case  
 327 of their being lost, spoiled, or damaged, not by unavoidable acci-  
 328 dents, or on actual service,

329 ARTICLE 41. All non-commissioned officers and soldiers, who  
 330 shall be found one mile from the camp, without leave in writing  
 331 from their commanding officer, shall suffer such punishment as  
 332 shall be inflicted upon them by the sentence of a court-martial.

333 ARTICLE 42. No officer or soldier shall lie out of his quarters,  
 334 garrison, or camp, without leave from his superior officer, upon

335 penalty of being punished according to the nature of his offence,  
336 by the sentence of a court-martial.

337 ARTICLE 43. Every non-commissioned officer and soldier  
338 shall retire to his quarters, or tent, at the beating of the retreat ;  
339 in default of which he shall be punished according to the nature  
340 of his offence, by the commanding officer.

341 ARTICLE 44. No officer, non-commissioned officer, or soldier,  
342 shall fail in repairing, at the time fixed, to the place of parade of  
343 exercise, or other rendezvous, appointed by his commanding  
344 officer, if not prevented by sickness, or some other evident ne-  
345 cessity ; or shall go from the said place of rendezvous, or from  
346 his guard, without leave from his commanding officer, before he  
347 shall be regularly dismissed or relieved, on the penalty of being  
348 ~~punished according to the nature of his offence by the sentence~~  
349 of a court-martial.

350 ARTICLE 45. Whatever commissioned officer shall be found  
351 drunk on his guard, party, or other duty, shall be cashiered for  
352 it, any non-commissioned officer or soldier so offending, shall  
353 suffer such corporal punishment as shall be inflicted by the sen-  
354 tence of a court-martial.

355 ARTICLE 46. Whatever centinel shall be found sleeping upon  
356 his post, or shall leave it before he shall be regularly relieved,  
357 shall suffer death, or such other punishment as shall be inflicted  
358 by the sentence of a court-martial.

359     ARTICLE 47. No soldier belonging to any regiment, troop, or  
 360     company, shall hire another to do his duty for him, or be excused  
 361     from duty but in cases of sickness, disability, or leave of absence ;  
 362     and every such soldier found guilty of hiring his duty, as also  
 363     the party so hired to do anothers duty, shall be punished at the  
 364     next regimental court-martial.

365     ARTICLE 48. And every non-commissioned officer conniving  
 366     at such hiring of duty aforesaid, shall be reduced for it, and every  
 367     commissioned officer, knowing and allowing such ill practices in  
 368     the service, shall be punished by the judgment of a general court-  
 369     martial.

370     ARTICLE 49. Any person belonging to the service of the Uni-  
 371     ted States, who, by discharging of fire arms, drawing of swords,  
 372     beating of drums, or by any other means whatsoever, shall occa-  
 373     sion false alarms in camp, garrison, or quarters, shall suffer  
 374     death, or such other punishment as shall be ordered by the sen-  
 375     tence of a general court-martial.

376     ARTICLE 50. Any officer or soldier who shall, without urgent  
 377     necessity, or without the leave of his superior officer, quit his  
 378     platoon or division, shall be punished according to the nature of  
 379     his offence, by the sentence of a court-martial.

380     ARTICLE 51. No officer or soldier shall do violence to any  
 381     person who brings provisions, or other necessaries to the camp,  
 382     garrison, or quarters of the forces of the United States, employed



383 in any parts out of the said states, on pain of death, or such other  
 384 punishment as a court-martial shall direct.

385 ARTICLE 52. Whatever officer or soldier shall misbehave him-  
 386 self before the enemy, or shamefully abandon any post committed  
 387 to his charge, or shall speak words inducing others to do the like,  
 388 shall suffer death.

389 ARTICLE 53. Whatsoever officer or soldier shall misbehave  
 390 himself before the enemy, and run away, or shamefully abandon  
 391 any fort, post, or guard, which he or they may be commanded to  
 392 defend, or speak words inducing others to do the like ; or who,  
 393 after victory, shall quit his commanding officer, or post, to plun-  
 394 der and pillage, every such offender being duly convicted thereof,  
 395 shall suffer death, or such other punishment, as by a general  
 396 court-martial shall be inflicted on him.

397 ARTICLE 54. Any person belonging to the forces of the Uni-  
 398 ted States, who shall cast away his arms and ammunition, shall  
 399 suffer death, or such other punishment as shall be ordered by  
 400 the sentence of a general court-martial.

401 ARTICLE 55. Any person belonging to the forces of the Uni-  
 402 ted States, who shall make known the watch word to any person  
 403 who is not entitled to receive it, according to the rules and disci-  
 404 pline of war, or shall presume to give a parole or watch word differ-  
 405 ent from what he received, shall suffer death, or such other punish-  
 406 ment as shall be ordered by the sentence of a general court-martial.

407 ARTICLE 56. All officers and soldiers are to behave them-  
 408 selves orderly in quarters, and on their march ; and whosoever  
 409 shall commit any waste or spoil, either in walks of trees, parks,  
 410 warrens, fish ponds, houses or gardens, corn fields, enclosures of  
 411 meadows, or shall maliciously destroy any property whatsoever,  
 412 belonging to the citizens of the United States, unless by order  
 413 of the then commander in chief of the forces of the said states, to  
 414 annoy rebels, or other enemies in arms against the said states, he  
 415 or they that shall be found guilty of offending herein, shall, (be-  
 416 sides such penalties as they are liable to by law) be punished  
 417 according to the nature and degree of the offence, by the judg-  
 418 ment of a regimental or general court-martial.

419 ARTICLE 57. Whosoever belonging to the force of the United  
 420 States, employed in foreign parts, shall force a safe-guard, shall  
 421 suffer death.

422 ARTICLE 58. Whosoever shall relieve the enemy with money,  
 423 victuals, or ammunition, or shall knowingly harbor or protect an  
 424 enemy, shall suffer death, or such other punishment as by a court-  
 425 martial shall be inflicted.

426 ARTICLE 59. Whosoever shall be convicted of holding cor-  
 427 respondence with, or giving intelligence to the enemy, either  
 428 directly or indirectly, shall suffer death, or such other punish-  
 429 ment as by a court-martial shall be inflicted.

430 ARTICLE 60. All public stores taken in the enemy's camp,  
 431 towns, forts, or magazines, whether of artillery, ammunition,

432 clothing, forage, or provisions, shall be secured for the service of  
433 the United States ; for the neglect of which the commanding  
434 officer are to be answerable.

435 ARTICLE 61. If any officer or soldier shall leave his post or  
436 colors, to go in search of plunder, he shall, upon being convicted  
437 thereof, before a general court martial, suffer death, or such other  
438 punishment as shall be inflicted.

439 ARTICLE 62. If any commander of any garrison, fortress, or  
440 post, shall be compelled by the officers and soldiers under his  
441 command, to give up to the enemy, or to abandon it, the commis-  
442 sioned officers, non-commissioned officers, or soldiers, who shall  
443 be convicted of having so offended, shall suffer death, or such  
444 other punishment as shall be inflicted upon them by the sentence  
445 of a court martial.

446 ARTICLE 63. All sutlers and retainers to the camp, and all  
447 persons whatsoever, serving with the armies of the United States,  
448 in the field, though no inlisted soldier, are to be subject to orders,  
449 according to the rules and discipline of war.

450 ARTICLE 64. Officers having brevetts, or commissions of a  
451 prior date to those of the regiment in which they now serve, may  
452 take place in courts-martial and on detachments, when composed  
453 of different corps, according to the ranks given them in their bre-  
454 vetts, or dates of their former commissions ; but in the regiment,  
455 troop, or company, to which such brevet officers, and those who  
456 have a commission of a prior date do belong, they shall do duty

457 and take rank, both on courts-martial and on detachments, which  
 458 shall be composed only of their own corps, according to the com-  
 459 missions by which they are mustered in the said corps.

460 ARTICLE 65. If upon marches, guards, or in quarters, different  
 461 corps of the line of the army shall happen to join, or do duty  
 462 together, the eldest officer by commission there, on duty, or in  
 463 quarters, shall command the whole, and give out orders for what  
 464 is needful to the service.

465 ARTICLE 66. And in like manner also, if any regiment, troop,  
 466 or detachment of horse or foot, shall happen to march with, or  
 467 be encamped, or quartered with any bodies or detachments of  
 468 other troops in the service of the United States, the eldest officer,  
 469 without respect to corps, shall take upon him the command of  
 470 the whole, and give the necessary orders.

471 ARTICLE 67. General courts-martial may consist of any num-  
 472 ber of commissioned officers from five to thirteen, inclusively,  
 473 but they shall not consist of less than thirteen where that number  
 474 can be convened without manifest injury to the service.

475 ARTICLE 68. General courts-martial shall be ordered, as often  
 476 as the case may require, by the general, or officer commanding  
 477 the troops. But no sentence of a court-martial shall be carried  
 478 into execution, until after the whole proceedings shall have been  
 479 laid before the said general, or officer commanding the troops for  
 480 the time being; neither shall any sentence of a general court-mar-  
 481 tial in time of peace, extending to the loss of life, the dismissal

482 of a commissioned officer, or which shall, either in time of peace  
 483 or war, respect a general officer, be carried into execution until  
 484 after the whole proceedings shall have been transmitted to the  
 485 secretary at war, to be laid before the President of the United  
 486 States for his confirmation or disapproval, and orders in the case.  
 487 All other sentences may be confirmed and executed by the officer  
 488 ordering the court to assemble, or the commanding officer for the  
 489 time being, as the case may be.

490 ARTICLE 69. Every officer commanding a regiment or corps,  
 491 may appoint, of his own regiment or corps, courts-martial, to  
 492 consist of three commissioned officers, for the trial of offences,  
 493 not capital, and the inflicting corporal punishment, and decide  
 494 upon their sentences. For the same purpose, all officers com-  
 495 manding any of the garrisons, forts, barracks, or other place,  
 496 where the troops consist of different corps, may assemble courts-  
 497 martial, to consist of three commissioned officers, and decide upon  
 498 their sentences.

499 ARTICLE 70. No garrison or regimental court-martial shall  
 500 have the power to try capital cases, or commissioned officers;  
 501 neither shall they inflict a fine exceeding one month's pay, nor  
 502 imprison, nor put to hard labor, any non-commissioned officer or  
 503 soldier, for a longer time than one month.

504 ARTICLE 71. The members of all courts-martial shall, when  
 505 belonging to different corps, take the same rank in court, which  
 506 they hold in the army. But when courts-martial shall be com-

posed of officers of one corps, they shall take rank according to the commissions by which they are mustered in the said corps.

ARTICLE 72. The judge advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself: and administer to each member the following oaths, which shall also be taken by all members of the regimental and garrison courts-martial.

“ You shall well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried. *So help you God.*

“ You, A. B. do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor, or affection; and if any doubts shall arise, which is not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the commanding officer. Neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member

532 of the court-martial, unless required to give evidence thereof as  
 533 a witness, by a court of justice, in a due course of law. *So help*  
 534 *you God.*

535 And as soon as the said oaths shall have been administered to  
 536 the respective members, the president of the court shall adminis-  
 537 ter to the judge advocate, or person officiating as such, an oath in  
 538 the following words :

539 “You A. B. do swear, that you will not upon any account, at any  
 540 time whatsoever, disclose or discover the vote or opinion of any  
 541 particular member of the court-martial, unless required to give  
 542 evidence thereof as a witness, by a court of justice in a due  
 543 course of law—*So help me God.*”

544 ARTICLE 73. All the members of a court-martial are to behave  
 545 with decency and calmness ; and in giving their votes, are to be-  
 546 gin with the youngest in commission.

547 ARTICLE 74. All persons who give evidence before a court-  
 548 martial, are to be examined on oath, or affirmation, as the case  
 549 be ; and no sentence of death shall be given against any offender  
 550 by any general court-martial, unless two thirds of the members of  
 551 the court shall concur therein.

552 ARTICLE 75. Whenever an oath or affirmation shall be admi-  
 553 nistered by a court-martial, the oath or affirmation shall be in the  
 554 following form :

555 “ You swear, or affirm as the case may be, the evidence you  
 556 shall give in the cause now in hearing, shall be the truth, the whole  
 557 truth, and nothing but the truth—*So help you God.*

558 ARTICLE 76. On the trials of cases not capital, before courts-  
 559 martial, the deposition of witnesses, not in the line or staff of the  
 560 army, may be taken before some justice of the peace, and read in  
 561 evidence : *Provided*, the prosecutor and person accused are pre-  
 562 sent at taking the same.

563 ARTICLE 77. No officer shall be tried by a general court-mar-  
 564 tial, nor by officers of an inferior rank, if it can conveniently be  
 565 avoided. Nor shall any proceedings or trials be carried on ex-  
 566 cepting between the hours of eight in the morning and three in  
 567 the afternoon, excepting in cases, which in the opinion of the of-  
 568 ficer appointing the court-martial, require immediate example.

569 ARTICLE 78. No person whatsoever shall use any menacing  
 570 words, signs, or gestures, in presence of a court-martial, or shall  
 571 cause any disorder or riot, or disturb their proceedings, on the  
 572 penalty of being punished at the discretion of the said court-  
 573 martial.

574 ARTICLE 79. No commissioned officer shall be cashiered or dis-  
 575 missed from the service, excepting by order of the President of  
 576 the United States, or by sentence of a general court-martial ; and  
 577 no non-commissioned officer or soldier shall be discharged from  
 578 the service, but by order of the President, the secretary at war,  
 579 the commanding general of a department, or by the sentence of a  
 580 general court-martial ; except at the expiration of the time of his  
 581 enlistment.

582 ARTICLE 80. Whenever any officer shall be charged with a  
 583 crime, he shall be arrested and confined in his barracks, quarters



584 or tent, and deprived of his sword by his commanding officer.  
 585 And any officer who shall leave his confinement before he shall  
 586 be set at liberty by his commanding officer, or by a superior pow-  
 587 er shall be cashiered for it.

588 ARTICLE 81. Non-commissioned officers and soldiers, who  
 589 shall be charged with crimes, shall be imprisoned, until they  
 590 shall be tried by a court-martial, or released by proper authority.

591 ARTICLE 82. No officer or soldier who shall be put in arrest,  
 592 or imprisonment, shall continue in his confinement more than  
 593 eight days; or until such time as a court-martial can be assem-  
 594 bled.

595 ARTICLE 83. No officer commanding a guard, or provost-mar-  
 596 tial, shall refuse to receive, or keep any prisoner committed to his  
 597 charge, by an officer belonging to the forces of the United States;  
 598 provided the officer committing, shall, at the same time, deliver  
 599 an account in writing, signed by himself, of the crime with which  
 600 the said prisoner is charged.

601 ARTICLE 84. No officer commanding a guard, or provost-mar-  
 602 tial, shall presume to release any person committed to his charge,  
 603 without proper authority for so doing; nor shall he suffer any  
 604 person to escape, on the penalty of being punished for it by the  
 605 sentence of a court-martial.

606 ARTICLE 85. Every officer or provost-martial, to whose charge  
 607 prisoners shall be committed, shall within twenty-four hours after  
 608 such commitment, or as soon as he shall be relieved from his

609 guard, make report in writing, to the commanding officer, of their  
 610 names, their crimes, and the names of the officers who committed  
 611 them, on the penalty of his being punished for disobedience or  
 612 neglect, at the discretion of a court-martial.

613 ARTICLE 86. Whatever commissioned officer shall be convict-  
 614 ed before a general court-martial, of behaving in a scandalous and  
 615 infamous manner, such as is unbecoming an officer and a gen-  
 616 tleman, shall be dismissed the service.

617 ARTICLE 87. In cases where a court-martial may think it pro-  
 618 per to sentence a commissioned officer to be suspended from com-  
 619 mand, they shall have power also to suspend his pay and emolu-  
 620 ments for the same time, according to the nature and heinousness  
 621 of the offence.

622 ARTICLE 88. In all cases where a commissioned officer is cash-  
 623 iered for cowardice, or fraud, it shall be added in the sentence,  
 924 that the crime, name, and place of abode and punishment of the  
 625 delinquent, be published in the newspapers in and about the  
 626 camp, and of the particular state from which the offender came,  
 627 or usually resides; after which it shall be deemed scandalous  
 628 for an officer to associate with him.

629 ARTICLE 89. The commanding officer of any post or detach-  
 630 ment, in which there shall not be a number of officers adequate  
 631 to form a general court-martial, shall, in cases which require the  
 632 cognizance of such a court, report to the commanding officer of  
 633 the department, who shall order to be assembled, at the nearest

634 post or detachment, the party accused, with the necessary wit-  
 635 nesses, to be transported to the place where the said court shall  
 636 be assembled.

637 ARTICLE 90. No person shall be sentenced to suffer death,  
 638 except in the cases expressly mentioned in the foregoing articles ;  
 639 nor shall more than one hundred lashes be inflicted on any offen-  
 640 der, at the discretion of a court-martial.

641 Any person tried agreeably to these rules and regulations, may  
 642 have his sentence mitigated, or may be pardoned by the officer  
 643 hereby empowered so to do, but no officer, non-commissioned  
 644 officer, soldier, or follower of the army, shall be tried a second  
 645 time for the same offence.

646 Every judge advocate, or person officiating as such, at any  
 647 **general court-martial**, shall transmit, with as much expedition as  
 648 the opportunity of time and distance of place can admit, the ori-  
 649 ginal proceedings and sentence of such court-martial, to the secre-  
 650 tary at war, which said original proceedings and sentence shall  
 651 be carefully kept and preserved in the office of said secretary, to  
 652 the end, that persons entitled thereto, may be enabled, upon appli-  
 653 cation to the said office, to obtain copies thereof.

654 The party tried by any general court-martial, shall be entitled  
 655 to a copy of the sentence and proceedings of such court-martial,  
 656 after a decision on the sentence, upon demand thereof made by  
 657 himself, or by any person or persons in his behalf, whether such  
 658 sentence be approved or not.

659     ARTICLE 91. In such cases where the general, or command-  
 660 ing officer may think proper to order a court of inquiry, to exa-  
 661 mine into the nature of any transaction, accusation, or imputation  
 662 against any officer or soldier, the said court shall be conducted  
 663 conformably to the following regulations: It may consist of one  
 664 or more officers, not exceeding three, with the judge advocate, or  
 665 a suitable person as a recorder, to reduce the proceedings and  
 666 evidence to writing, all of whom shall be sworn to the faithful  
 667 performance of their duty. This court shall have the same power  
 668 to summon witnesses as a court-martial, and to examine them on  
 669 oath. But they shall not give their opinion on the merits of the  
 670 case, excepting they shall be thereto specially required. The  
 671 parties accused shall also be permitted to cross examine and inter-  
 672 gate the witnesses, so as to investigate fully the circumstances in  
 673 question.

674     ARTICLE 92. The proceedings of a court of inquiry must be  
 675 authenticated by the signature of the recorder, and the president,  
 676 and delivered to the commanding officer; and the said proceed-  
 677 ings may be admitted as evidence by a court martial, in cases not  
 678 capital, or extending to the dismissal of an officer; provided  
 679 that the circumstances are such, that oral testimony cannot be  
 680 obtained. But as courts of enquiry may be perverted to disho-  
 681 norable purposes, and may be considered as engines of destruc-  
 682 tion to military merit, in the hands of weak and envious comman-  
 683 dants, they are hereby prohibited, unless directed by the President  
 684 of the United States, or demanded by the accused.

685     **ARTICLE 93.** The judge advocate, or recorder, shall admini-  
 686 ster to the members the following oath:

687     “ You shall well and truly examine and enquire, according to  
 688 your evidence, into the matter now before you, without favor or  
 689 affection. So help you God.”

690 After which the president shall administer to the judge advocate  
 691 or recorder, the following oath :

692     “ You A. B. do swear that you will according to your best  
 693 abilities, accurately and impartially record the proceedings of the  
 694 court, and the evidence to be given in the case in hearing. So  
 695 help you God.”

696     The witnesses shall take the same oath as is directed to be ad-  
 697 ministered to witnesses sworn before a court-martial.

698     **ARTICLE 94.** When any commissioned officer shall happen to  
 699 die or be killed in the service of the United States, the major of  
 700 the regiment or the officer doing the major's duty in his absence,  
 701 or in any port or garrison, the second officer in command, or the  
 702 assisting military agent, shall immediately secure all his effects  
 703 or equipage then in camp or quarters ; and shall make an inven-  
 704 tory thereof, and forthwith transmit the same to the office of the  
 705 department of war, to the end that his executors may, after pay-  
 706 ment of his debts in quarters, and interment, receive the over-  
 707 plus, if any there be to his or their use.

708     **ARTICLE 95.** When any non-commissioned officer or soldier  
 709 shall happen to die, or to be killed in the service of the United

710 States, the then commanding officer of the troop or company shall,  
 711 in the presence of two other commissioned officers, take an ac-  
 712 count of what effects he dies possessed of, above his regimental  
 713 clothing, arms and accoutrements, and transmit the same to the  
 714 office of the department of war ; which said effects are to be ac-  
 715 counted for, and paid to the representative of such deceased non-  
 716 commissioned officer or soldier. And in case any of the officers,  
 717 so authorised to take care of the effects of dead officers and sol-  
 718 diers, should, before they have accounted to their representatives  
 719 for the same, have occasion to leave the regiment or post, by pre-  
 720 ferment or otherwise, they shall before they be permitted to quit  
 721 the same, deposit in the hands of the commanding officer or of  
 722 the assistant military agent, all the effects of such deceased non-  
 723 commissioned officers and soldiers, in order that the same may  
 724 be secured for, and paid to, their respective representatives.

725 ARTICLE 96. All officers, conductors, gunners, matrosses, dri-  
 726 vers, or other persons whatever, receiving pay or hire in the ser-  
 727 vice of the artillery of the United States, shall be governed by the  
 728 aforesaid rules and articles, and shall be subject to be tried by  
 729 courts-martial, in like manner with the officers and soldiers of the  
 730 other troops in the service of the United States.

731 ARTICLE 97. For differences arising among the artillery, or in  
 732 matters relating solely to their own corps, the courts-martial may  
 733 be composed of their own officers ; but where a number sufficient  
 734 of such officers cannot be assembled, or in matters wherein other

735 corps are interested, the officers of artillery shall sit in courts-  
736 martial with the officers of other corps, taking their rank accord-  
737 ing to the dates of their respective commissions, and no other-  
738 wise.

739 ARTICLE 98. The officers and soldiers of any troops whether  
740 militia, or others, being mustered and in pay of the United  
741 States, shall, at all times, and in all places, when joined or acting  
742 in conjunction with the regular forces of the United States, be  
743 governed by these rules or articles of war, and shall be subjec-  
744 to be tried by courts-martial, in like manner with the officers and  
745 soldiers in the regular forces, save only that such courts-martial  
746 shall be composed entirely of militia officers.

747 ARTICLE 99. All officers serving by commission from the au-  
748 thority of any particular state, shall, on all detachments, courts-  
749 martial, or other duty, wherein they may be employed in con-  
750 junction with the regular forces of the United States, take rank,  
751 next after all officers of the like grade, in said regular forces,  
752 notwithstanding the commissions of such militia or state officers  
753 may be elder than the commissions of the officers of the regular  
754 forces of the United States.

755 ARTICLE 100. The foregoing articles are to be read and pub-  
756 lished once in every six months, to every garrison, regiment, troop  
757 or company, mustered or to be mustered in the service of the  
758 United States, and are to be duly observed and exactly obeyed,  
759 by all officers and soldiers, who are or shall be in said service.

760     ARTICLE 101. Any general officer commanding an army or de-  
 761     tachment, shall have full power of appointing general courts-mar-  
 762     tial to be held, and of pardoning and mitigating any of the pu-  
 763     nishments ordered to be inflicted for any of the offences mentioned  
 764     in those rules and articles, except the punishment of offenders  
 765     under the sentence of death by a general court-martial, or of  
 766     cashiering an officer, which he may order to be suspended until  
 767     the pleasure of the President of the United States, can be known,  
 768     which suspension with the proceedings of the court-martial, the  
 769     said general shall immediately transmit to the President for his  
 770     determination; and every offender convicted by a regimental or  
 771     garrison court-marshal, may be pardoned, or have the punish-  
 772     ment mitigated by the colonel, or commanding officer of the re-  
 773     giment or garrison, where such court-martial shall be held.

774     ARTICLE 102. The commanding officers of each and every  
 775     regiment, and garrison, are to appoint some suitable person be-  
 776     longing to such regiment or garrison, to receive all such fines as  
 777     may arise within the same, for any breach of any of the foregoing  
 778     articles; and shall direct the same to be carefully and properly  
 779     applied to the relief of such sick, wounded, or necessitous sol-  
 780     diers as belong to such regiment or garrison; and such person  
 781     shall account with such officer for all fines received, and the  
 782     application thereof.

783     ARTICLE 103. All crimes not capital, and all disorders and  
 784     neglects which officers and soldiers may be guilty of, to the pre-



785   judice of good order and military discipline, though not menti-  
 786   oned in the foregoing articles of war, are to be taken cognizance  
 787   of by a general or regimental court-martial, according to the  
 788   nature and degree of the offence, and be punished at their discre-  
 789   tion.

1     SECT 2. *And be it further enacted,* That in time of war, all  
 2   persons not members of, or owing allegiance to the United States  
 3   of America, who shall be found lurking as spies, in or about the  
 4   fortifications or encampments of the armies of the United States,  
 5   or any of them, shall suffer death, according to the law and usage  
 6   of nations, by sentence of a general court-martial.

1     SECT. 3. *And be it further enacted,* That the rules and regula-  
 2   tions, by which the armies of the United States have heretofore  
 3   been governed, and the resolves of congress thereunto annexed,  
 4   and respecting the same, shall henceforth be void, and of no  
 5   effect, except so far as may relate to any transactions under them  
 6   prior to the promulgation of this act.